



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 16, 1998

Mr. J. Robert Giddings
Office of General Counsel
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2981

OR98-2719

Dear Mr. Giddings:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 119480.

The University of Texas System (the "system") received a request for the "report or presentation materials used by the Kaludis Consulting Group concerning the Regional Academic Health Center." You claim that the requested information is excepted from disclosure under sections 552.101, 552.104, 552.110, and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

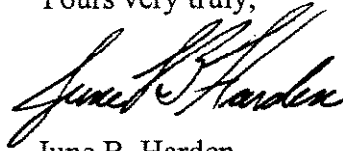
Section 552.104 protects from required public disclosure "information which, if released, would give advantage to competitors or bidders." Section 552.104 is generally invoked to except information relating to competitive bidding situations involving specific commercial or contractual matters. Open Records Decision No. 463 (1987). Governmental bodies may withhold bid information while governmental officials are in the process of evaluating the proposals and asking competitors to clarify their bids. Open Records Decision No. 170 (1977). Section 552.104 does not, however, except bid information from disclosure once the bidding is over and the contract is in effect. Open Records Decision Nos. 306 (1982), 184 (1978).

You explain that the system has been authorized to establish a regional academic health center serving the Lower Rio Grande Valley. You state that the system has retained the services of an outside consultant, Kaludis Consulting Group, to advise and assist in the selection of the site for the regional academic health center. You also state that the system is still evaluating the competing proposal options with the assistance of the consultant and

no final decisions have been made regarding the ultimate site. We find that you have shown the applicability of section 552.104. Therefore, the system may withhold the requested information at this time.

Because we are able to make a determination under section 552.104, we do not address your additional arguments against disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" and last name "Harden" clearly distinguishable.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 119480

Enclosures: Submitted documents

cc: Mr. Angelo Shah
Metro Reporter
P.O. Box 670
Austin, Texas 78767
(w/o enclosures)